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**RE:**

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**OFFICIAL****PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****RECEIVED  
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In re Application of:

VINIK et al.

Application Serial No.: 09/659,379.

Filed: September 8, 2000

For: HIGH LEVEL EXPRESSION OF INGAP IN  
BACTERIAL AND EUKARYOTIC CELLS

Group Art Unit: 1653

Examiner: H. Robinson

Attorney Docket No. 05126.00003

**RESPONSE TO FINAL REJECTION**Commissioner for Patents  
Mail Stop AF  
Post Office Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In response to the Final Office Action mailed April 21, 2003, please reconsider the patentability of the pending claims.

A Notice of Appeal was filed October 21, 2003. No extension of time is required to make this filing timely.

**Claim Status**

Claims 1-49 are pending. No further amendments are requested in this filing.

**Interview Summary**

Examiner Carlson graciously discussed the rejection for double-patenting on the telephone on October 21, 2003. She maintained that overlapping subject matter was sufficient to trigger a double-patenting rejection. Agreement was not reached on that point. She suggested amending the claims to eliminate overlap or explain how the claims do not overlap. She provided suggested claims for eliminating overlap by using closed claim language (consisting